

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2020

Coram

The Honourable Mr. **Justice V.BHARATHIDASAN**

C.R.P.(NPD) No.2534 of 2017
and
C.M.P.No.12033 of 2017

Vanajatchammal (died)

2. S. Yasotha

3. R. Ranjini

4. Shyamala

5. R. Kanchanamala

(petitioners 2 to 5 brought on records as
LRs of the deceased sole petitioner vide
order dated 05.12.2019 made in CMP.
No.24722 to 24724 of 2019)

... petitioners

Vs.

1. P. Dilli Ganesh

2. P. Sasikala

3. R. Vivekanandan

4. V. Maheswari

... Respondents

PRAYER : This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the order dated 13.06.2017 made in I.A.No.5124 of 2007 in O.S.No.5363 of 1998 on the file of the XIV Assistant City Civil Judge, Chennai.

For petitioners : Mr. G.Mohanakrishnan

For respondents : Mr. E.C.Murali,
for R3

: Mr. K.Chandru,
for R4

ORDER

This revision has been filed against the order of public auction to be conducted by the Advocate Commissioner.

2. Earlier in a suit in O.S.No.5363 of 1998 on the file of the XIV Assistant City Civil Court, Chennai, for partition, a preliminary decree has been passed by a judgment dated 15.06.1998. In the final decree proceedings, since the property is indivisible, the property was ordered to be sold in public auction. Against which, the present revision has been filed.

3. Pending revision, matter was referred to Mediation, and the parties have arrived at a settlement between themselves, and also

filed a Memo of Compromise, dated 08.01.2020 to that effect. The relevant portion of the memo of compromise reads as follows :-

" "...1) The suit schedule property will be sold by Public Auction by the Advocate Commissioner already appointed by the Trial Court.

2) The sale proceeds will be distributed in the following manners, viz.,

i) 25% of the sale proceeds to be given to R3-Mr.Vivekanandan.

ii) 25% to R1 & R2 (Dilli Ganesh and Smt.Sasikala)

iii) 25% to R4- B. Maheswari

iv) 25% to the petitioners (Ranjini and Yasodha, Shyamala and Kanchanamala).

3) The suit will be decreed in terms of the compromise arrived at the Mediation Centre"

4. The Memo of Compromise is duly signed by the petitioners and respondents and their respective counsel. The counsel appearing for the parties submitted that the Civil Revision Petition may be disposed as per the terms of the Memo of Compromise .

5. Considering the fact that the matter has been settled between the parties, the Civil Revision Petition is closed in terms of the Memo of Compromise. The said Memo of Compromise shall form part of the order. No costs. Consequently, connected miscellaneous petition is closed.

6. In view of the memo of compromise entered into between the parties, the Advocate Commissioner is directed to proceed with the public auction and complete the same, within a period of three(3) months from the date of receipt of a copy of this order.

mrp

Index : Yes/No

Internet: Yes/No

Speaking order/non speaking order

20.01.2020

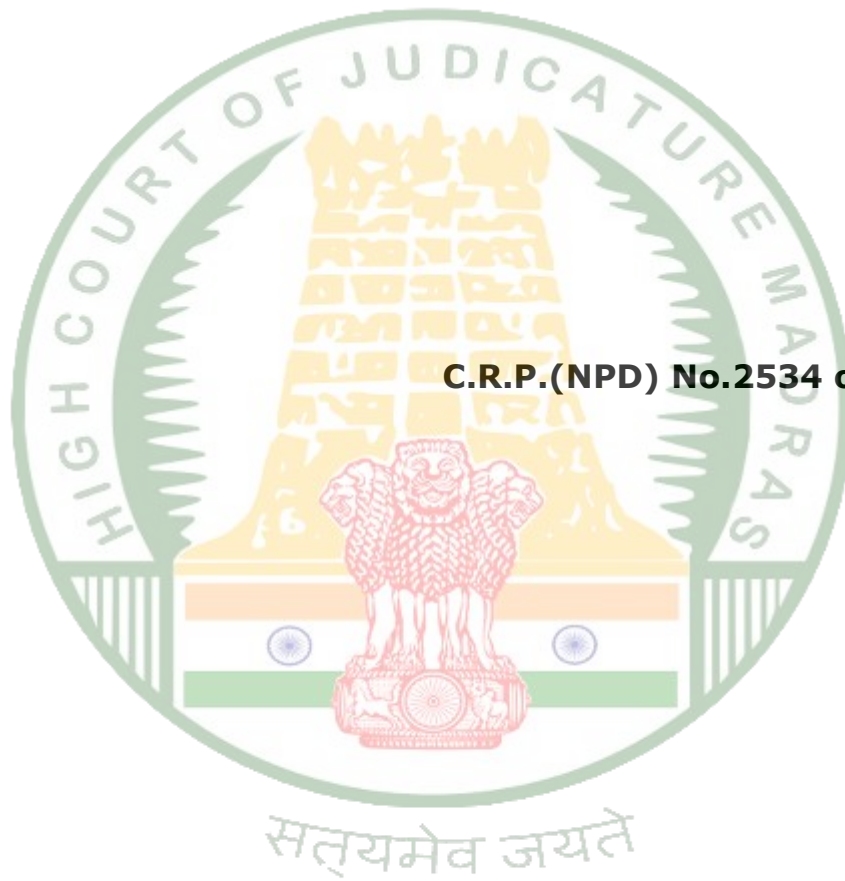
Note : Issue order copy on 21.01.2020

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V.BHARATHIDASAN, J.,

mrp



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